

**REMARKS**

Claims 1 and 4 through 16 are now pending in this application. In response to the final Office Action dated August 10, 2005, it is proposed that the present amendment wherein claim 3 is cancelled, and claims 1, 8, 9 and 12 are amended, be entered. Care has been taken to avoid the introduction of new matter. It is believed that a cursory consideration of the Amendment would show that the application is in condition for allowance. Favorable reconsideration of the application and allowance thereof are respectfully solicited.

Claims 1, 5, 6, and 8 through 16 stand rejected. Claims 3, 4, 7 and 8 stand under objection for their dependencies from rejected parent claims. Objection also has been made to claim 8 with respect to the recitation "equalize the amplitude," stated in the first paragraph of the Office Action to be lacking a clear reference. Claim 8 is amended herein to be dependent from claim 1 and to identify which signals are comparable. The amendment thus overcomes the objection.

Objection has been made to claim 9 as stated in the second paragraph of the Office Action. Claim 9 is amended herein to comply with the change suggested in the Office Action. This objection thus also has been overcome.

Claims 1, 9 and 12 have been rejected under the first paragraph of 35 U. S. C. § 112. At issue is the claim recitations of sensors having different capacitances. Claim 1 is amended herein to recite, similar to now cancelled allowable claim 3, that metallizations of the sensors having different areas. Claims 9 and 12 have been amended to recite that the sensors comprise respective capacitive elements that are of different structural configuration from each other. The phrases upon which the rejection is based have been eliminated. Claims 1, 9 and 12 now comply with 35 U.S.C. § 112.

Claims 1, 2, 6, and 9 through 12 and 15 were rejected under 35 U.S.C. § 102 as anticipated by Dittmann, of record. Independent claim 1 is amended herein to incorporate the allowed subject matter of claim 3. That is, the first and second capacitive sensors comprises metallizations having different areas. Thus claim 1 and claims 6 and 15 that depend therefrom are now allowable. Independent claims 9 and 12 are amended to require that the capacitive elements of the sensors are of different structural configurations. Dittmann discloses no such feature. Claims 9, 12 and the dependent claims 10 and 11 are thus patentably distinguishable.

Claim 5 was rejected under 35 U. S. C. § 103(a) as being unpatentable over Dittmann in view of Yerkovich, of record. Claims 8 and 16 have been rejected under 35 U. S. C. § 103(a) as being unpatentable over Dittmann in view of Shaland, of record. Claims 5, 8 and 16 as amended are all dependent from claim 1. As claim 1 has been amended to incorporate the recitation of allowable claim 3, the rejection has been overcome.

Claims 13 and 14 were rejected under 35 U. S. C. § 103(a) as being unpatentable over Dittmann in view of Sims, of record. Claims 13 and 14 are dependent from claim 12. The subject matter added by amendment to claim 12, discussed above, is not disclosed or suggested by Dittman and Sims, taken individually or in combination. Claims 13 and 14, which are dependent from claim 12, are thus patentably distinguishable.

Accordingly, it is submitted that the present amendment clearly places the application in condition for allowance. Entry of the amendment and allowance are respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

**Application No.: 10/804,230**

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, reading "Gene Z. Robinson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Gene Z. Robinson  
Registration No. 33,351

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
202.756.8000 GZR:lnm  
Facsimile: 202.756.8087  
**Date: October 11, 2005**

WDC99 1140922-1.066396.0145